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*Attorneys for Professional Association of Dive Instructors (“PADI”)*

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**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF UTAH**

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CHRISTOPHER JOSEPH TUVELL,  
SHERRY LYNN TUVELL, individually and  
as the heirs of David Christopher Tuvell, and  
THE ESTATE OF DAVID CHRISTOPHER  
TUVELL,

Plaintiffs,  
vs.

BOY SCOUTS OF AMERICA,  
PROFESSIONAL ASSOCIATION OF DIVE  
INSTRUCTORS (“PADI”), BLUE WATER  
SCUBA, LOWELL HUBER, CORBETT  
DOUGLAS, BEAR LAKE BOY SCOUT  
AQUATIC CAMP,

**OBJECTION TO PROPOSED ORDER  
SUBMITTED BY BLUE WATER  
DEFENDANTS AND SUBMITTAL OF  
PROPOSED ORDER BY  
PROFESSIONAL ASSOCIATION OF  
DIVE INSTRUCTIONS (“PADI”)**

Case No.: 1:12-cv-00128

Judge Dee Benson

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Defendants.  vs.  KIM M. LaMOTTE-MALONE, M.D., LaMOTTE PEDIATRICS, LLP, doing business as Anthem Hills Pediatrics, KIM LaMOTTE-MALONE, M.D. PROF CORP., M.P., Minor; MICHAEL PERRY, and BRIAN K. SHRAWDER,  Third-Party Defendants.	
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 Defendants.  vs.  KIM M. LaMOTTE-MALONE, M.D., LaMOTTE PEDIATRICS, LLP, doing business as Anthem Hills Pediatrics, KIM LaMOTTE-MALONE, M.D. PROF CORP., M.P., Minor; MICHAEL PERRY, and BRIAN K. SHRAWDER, |  |

Professional Association of Dive Instructions (“PADI”) objects to the Proposed Order submitted by Defendants Blue Water Scuba of Logan, Lowell Huber and Corbett Douglas (“Blue Water Defendants”) with respect to the April 23, 2014, oral argument and the Court’s ruling. PADI also submits herewith its Proposed Order.

PADI Objects to Blue Water’s Proposed Order because Paragraph 1 of the Proposed Order does not accurately state the grounds stated by the Court in its ruling, and rather, uses language from Blue Water’s memoranda and arguments.

PADI’s Proposed Order retains all the rulings made by the Court but restates them in a form which PADI believes to more accurately state the Court’s ruling.

As a matter of information, the sanctions payment ordered by the Court has now been paid in full.

PADI submitted its Proposed Order to the Blue Water Defendants pursuant to Rule 54-1(b), Rules of Practice, U.S. District Court for the District of Utah, but the parties have not been

able to resolve their differences as to the form of the order and for that reason PADI submits its Proposed Order to the Court for consideration, attached hereto as Exhibit A.

DATED this 6<sup>th</sup> day of May, 2014.

Mark A. Hruska  
**THE SCHWARTZ LAW GROUP**

Roger H. Bullock  
S. Spencer Brown  
**STRONG & HANNI**

*/s/ Roger Bullock*

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ROGER H. BULLOCK  
*Attorneys for Professional Association of Dive  
Instructors (“PADI”)*